

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )  
\_\_\_\_\_ )

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO: )

Suits Naming the Tennessee Clinic )  
Defendants )  
)

---

**NOTICE OF POSTPONEMENT OF DEPOSITION**

---

Defendants Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN, CNOR; Vaughan Allen, MD; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; Kenneth Lister, MD, PC; and Donald E. Jones, MD (collectively "Tennessee Clinic Defendants") give notice to the Court and to all parties of the following:

1. On March 6, 2015, the Tennessee Clinic Defendants served a subpoena on the Food and Drug Administration ("FDA"), along with a Rule 30(b)(6) notice of deposition and request for documents. The deposition was set for May 4, 2015.

2. The FDA, through counsel, has objected to production of documents and to production of a witness.

3. On April 14, 2015, the Tennessee Clinic Defendants filed a motion to compel production of documents and to compel production of a witness pursuant the notice and subpoena.

4. On April 15, 2015, the Court set oral argument on the Motion to Compel for May 28, 2015.

5. Given the pending Motion to Compel, the deposition of the FDA scheduled for May 4 must be postponed indefinitely pending resolution of the objections and Motion to Compel.

Respectfully submitted,

**GIDEON, COOPER & ESSARY, PLC**

/s/ Chris J. Tardio

**C.J. Gideon, Jr.\***

**Chris J. Tardio\***

**Alan S. Bean\*\***

**Matthew H. Cline\***

315 Deaderick Street, Suite

Nashville, TN 37238

Ph: (615) 254-0400

Fax: (615) 254-0459

[chris@gideoncooper.com](mailto:chris@gideoncooper.com)

***Attorneys for the Tennessee Clinic  
Defendants***

\* Admitted pursuant to MDL Order No. 1.

\*\* Admitted *pro hac vice*.

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 16<sup>th</sup> day of April, 2015.

This document was also served by electronic mail on:

David Glass  
Department of Justice, Civil Division  
20 Massachusetts Avenue NW  
Room 7200  
Washington, DC 20530-0001  
[david.glass@usdoj.gov](mailto:david.glass@usdoj.gov)  
*Counsel for FDA*  
*and for NECC federal prosecutors*

/s/ Chris J. Tardio  
**Chris J. Tardio**